

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:)	Case No. 10-41072
KIRK M. DEROCHE and KIMBERLY)	
A. DEROCHE,)	Chapter 7
)	
Debtors.)	Judge Thomas J. Tucker
)	
)	
)	

**ORDER *DENYING* DEBTORS' MOTION FOR EXEMPTION FROM
FINANCIAL MANAGEMENT COURSE FOR DEBTOR KIRK M. DEROCHE**

Debtors filed a motion asking that the Court, under 11 U.S.C. § 109(h)(4), exempt Debtor KIRK M. DEROCHE from having to complete the instructional course concerning personal financial management course required under 11 U.S.C. § 727(a)(11). (Docket # 16, the "Motion"). No objections to the Motion were filed.

The Court cannot grant the Motion, for the following reasons. First, the exception in § 727(a)(11), for debtors who are persons described in § 109(h)(4), does not apply here. The Motion does not allege or present any evidence that the Debtor Kirk M. DeRoche is "unable to complete" the instructional course in personal financial management "because of incapacity, disability, or active military duty in a military combat zone." There is no allegation that Mr. DeRoche has any "incapacity," as that term is defined in § 109(h)(4), or that he has any "disability." Nor does the motion allege or demonstrate that Mr. DeRoche is on "active military duty." As a result, the § 109(h)(4) exception does not apply, and the Court may not grant the requested exemption.

Second, the Motion does not explain or demonstrate why Mr. DeRoche did not complete the required instructional course in personal financial management *before* leaving for Iraq on February 15, 2010. No reason is given as to why Mr. DeRoche could not have done this at any time during the one-month period between January 15, 2010, when he filed his bankruptcy petition in this case, and February 15, 2010, when he left for Iraq.

Third, the Motion does not satisfactorily explain or demonstrate why Mr. DeRoche cannot, even now, complete the required instructional course in personal financial management, by telephone or by internet, from Iraq.

For these reasons,

IT IS ORDERED that the Motion (Docket # 16) is denied.

Signed on April 09, 2010

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge